

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BALL METAL BEVERAGE
CONTAINER CORP.,

:

Plaintiff/Counterclaim Defendant,

:

vs.

:

Case No. 3:12-cv-033

:

CROWN PACKAGING TECHNOLOGY,
INC. AND CROWN CORK & SEAL USA, INC.,

JUDGE WALTER H. RICE

Defendant/Counterclaim Plaintiffs,

:

vs.

:

REXAM BEVERAGE CAN COMPANY,

:

Counterclaim/Defendant.

:

ORDER DIRECTING COUNSEL FOR BALL METAL BEVERAGE CONTAINER CORP., REXAM BEVERAGE CAN COMPANY, CROWN PACKAGING TECHNOLOGY, INC., AND CROWN CORK & SEAL USA, INC., TO FILE REPLIES TO THE POSITION STATEMENTS (DOC. #177) OF OPPOSING COUNSEL, ADDRESSING (1) THE NEED FOR ANY ADDITIONAL DISCOVERY AND THE AMOUNT OF TIME REQUIRED TO COMPLETE THE DISCOVERY; (2) WHETHER A HEARING SHOULD BE CONDUCTED AND, IF SO, THE NUMBER OF WITNESSES AND THE AMOUNT OF TIME NEEDED; AND (3) WHY A FULL TRIAL DOES OR DOES NOT EXCEED THE SCOPE OF THE COURT'S REMAND; REPLIES TO BE BY SIMULTANEOUS SUBMISSION ON APRIL 21, 2021, NO LATER THAN 5:00 P.M.

On March 24, 2021, a conference call was held with counsel concerning the December 31, 2020, decision from the United States Court of Appeals for the

Federal Circuit, Case No. 2020-1212, Doc. #174, and the separate position statements filed by the parties, Doc. #177.

Based on the Court's review of the appellate decision and the position statements, counsel are to file replies to the opposing party's position statement, Doc. #177, concerning the limited issue remanded by the Federal Circuit and addressing the following: (1) the need for any additional discovery and the amount of time required to complete the discovery; (2) whether a hearing should be conducted and, if so, the number of witnesses and the amount of time needed; and (3) why a full trial does or does not exceed the scope of the remand.

Counsel are to file their replies by simultaneous submission on Wednesday, April 21, 2021, no later than 5:00 p.m.

APRIL 9, 2021



WALTER H. RICE
UNITED STATES DISTRICT JUDGE